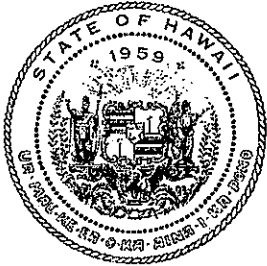


HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU  
ADRIENNE KING  
CARMILLE LIM  
AMY MONK  
LISA ELLEN SMITH  
CAROL ANNE PHILIPS

Executive Director  
Catherine Betts, Esq.

Email:  
DHS.HSCSW@hawaii.gov  
Web:  
www.hawaii.gov/dhs/women/  
HSCSW

235 S. Beretania #407  
Honolulu, HI 96813  
Phone: 808-586-5758  
FAX: 808-586-5756

March 28, 2012

**Testimony in Support of SB 223, SD 1**

**To:** Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Rhoads, Vice-Chair  
Members of the House Committee on Judiciary

**From:** Catherine Betts, Esq., Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in Support of SB 223, SD 1, Relating to Domestic Abuse Orders

On behalf of the Hawaii State Commission on the Status of Women, I would like to express my support of this bill, which would ensure and require consistent, uniformed and simple implementation of "no contact" orders.

SB 223, SD 1 provides greater protection to victims by requiring that these orders be issued in a routine manner, thereby removing any option of discretionary implementation. This type of protection is especially necessary and valuable on evenings, weekends and holidays when there is limited access to seek temporary restraining orders or other relief from the court system.

Domestic violence is a public health epidemic in Hawaii. This bill offers a very simple solution that requires uniform implementation and issuance of "no contact orders" thereby increasing the safety of victims. For years, our violence prevention community has urged victims to seek assistance in order to gain protection from harm. It is imperative that if victims do seek assistance from law enforcement, that there be methods in place to offer protection. Please pass this bill.

Thank you for this opportunity,

Catherine Betts, Esq.

**Testimony of the Office of the Public Defender, State of Hawaii,  
to the House Committee on Judiciary**

March 29, 2012

S.B. No. 223 SD1: RELATING TO DOMESTIC ABUSE ORDERS

Chair Keith-Agaran and Members of the Committee:

We have concerns about S.B. No. 223 SD1 which would require a police officer reporting to a domestic violence call to issue a mandatory order to leave the premises for a twenty-four hour period when the officer believes there is probable danger of further physical abuse or harm. Currently, under H.R.S. § 709-906(4)(b), such an order by the police officer is discretionary.

In practice, the 24-hour stay-away order is issued by police in the vast majority of the cases. So, for all practical purposes, the current statute is operating in the manner sought in this bill. However, there are times when the authorities need the flexibility of a discretionary 24-hour order. Most of these situations have to deal with the care of minor children in the household. Sometimes, a mother is either unable to care for children on her own or has employment or medical obligations which require her to enlist the help of her spouse or household partner to care for the children within the 24-hour period.

Thank for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
HOUSE COMMITTEE ON JUDICIARY**

**THE HONORABLE KARL RHOADS, VICE CHAIR  
HOUSE COMMITTEE ON JUDICIARY**

**Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai'i**

Thursday, March 29, 2012

**RE: S.B. 223, S.D. 1; RELATING TO DOMESTIC ABUSE ORDERS.**

Good morning, Chair Keith-Agaran, Vice-Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 223, Senate Draft 1.

S.B. 223 S.D. 1 proposes to amend HRS §709-906 to require that police officers impose a 24-hour "no-contact period," where there are "reasonable grounds to believe" that harm was inflicted and that there is probable danger of further harm. The Department supports the concept that it is important for police officers to make this determination--and to impose the no-contact period as appropriate--because this period provides a valuable buffer to protect victims from ongoing abuse, particularly on weekends or over holidays when victims are not be able to seek a TRO immediately.

The legislative history of HRS 709-906(4) indicates that the 24-hour "no-contact period" (currently "period of separation") has been beneficial to domestic violence victims, when imposed. In 1995, legislators found it --"was very successful in preventing further domestic violence...[and] created a 'safe' period during which abuse victims might seek refuge in a shelter or use other safety options." See House Standing Committee Report No. 1566 (1995). In 1997, it was similarly stated that the no-contact periods "have had a significant impact in denying domestic violence perpetrators access to their victims." See House Standing Committee Report No. 1481 (1997). In 1998, legislators further amended the statute to facilitate police officers' quick determination of whether to issue the no-contact order, with hopes that those amendments

“would result in more twenty-four hour warnings, thereby protecting more victims of domestic abuse.” See Conference Committee Report No. 80, House Standing Committee Report No. 578-98. Thus by simply changing “may” to “shall”, requiring police officers to consistently invoke the period of separation that has, as the Legislature intended, we can only improve a proven and effective means of protecting victims of domestic abuse. Similar to a Temporary Restraining Order, orders issued pursuant to H.R.S. 709-906(4) are also rendered into written form:

- (d) All persons who are ordered to leave as stated above shall be given a written warning citation stating the date, time, and location of the warning and stating the penalties for violating the warning. A copy of the warning citation shall be retained by the police officer and attached to a written report which shall be submitted in all cases. A third copy of the warning citation shall be given to the abused person.

Not only are copies of the written orders provided to all parties, they are issued based on actual evidence observed by a police officer at the scene of the crime. An officer is able to take into account physical evidence actually observed and the demeanor of the parties involved, among other factors, in making the decision to effect an arrest and issue the period of separation warning and citation. These are advantages that no judge ever has, and as previously emphasized, it is already provided for in current law and proven effective.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly urge your support for S.B. 223, S.D. 1. Thank you for this opportunity to testify.



To: The Honorable Gilbert S. C. Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice Chair  
House Committee on Judiciary

From: Veronika Geronimo, Executive Director  
Hawaii State Coalition Against Domestic Violence

RE: SB223 SD1 - SUPPORT

Hearing Date and Time: 3/29/2012 2:00:00 PM

---

Good afternoon Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee on Judiciary. My name is Veronika Geronimo and I am the Executive Director of the Hawai'i State Coalition Against Domestic Violence. The Hawai'i State Coalition Against Domestic Violence is a statewide coalition of domestic violence programs and shelters. Our primary focus is on the empowerment, safety, and protection of domestic violence survivors and their children, and the accountability of batterers. On behalf of our member agencies, we thank you for the opportunity to testify in support of SB223 SD1.

Hawaii Revised Statutes 709-906 is a valuable tool which law enforcement can use to help protect victims from abuse. Specifically, "where the police officer has reasonable grounds to believe that there is probable danger of further physical abuse or harm being inflicted by one person upon a family or household member, the police officer lawfully may order the person to leave the premises for a period of separation of twenty-four hours, during which time the person shall not initiate any contact, either by telephone or in person, with the family or household member." Unfortunately, this protection is not regularly and routinely provided, which leaves those who are being abused vulnerable and at risk for further violence.

SB223 SD1 is needed to address the gaps in the current system and help ensure the safety of domestic violence survivors. Calling the police can be very dangerous for domestic violence survivors; we've heard many stories of the police being manipulated or being talked out of issuing no contact orders by the person doing the harm. Once the police leave, the survivor is often left alone with the abuser, who may retaliate and escalate the violence. However, in circumstances when the no contact order have been issued by police, it has been successful in preventing further domestic violence. It denies the person doing the harm access to the victim, and gives the victim essential time to seek refuge and get to safety.

The orders are an especially valuable tool when survivors cannot access the courts to file for temporary restraining orders (TROs). For example, on evenings, weekends and holidays, or on neighbor islands and rural communities, there is limited access to courts where TROs can be filed. "General orders" can provide victims immediate protection by law enforcement, who can order the person doing the harm to leave the premises for twenty-four hours, and prohibiting them from initiating any contact. If the person so ordered refuses to comply with the order to leave the premises or returns to the premises before the expiration of the period of separation, or if the person so ordered initiates any contact with the abused person, the person shall be placed under arrest for the purpose of preventing further physical abuse or harm to the family or household member.

A strong criminal justice response and mechanisms must be in place to keep batterers from seeking retaliation or continuing to threaten, assault and intimidate victims. SB223 SD1 strengthens the current law intended to protect victims by ensuring it's consistent, uniformed, and simple implementation.

Thank you for your leadership in keeping survivors safe and for your consideration of this measure.



TO: Chair Keith-Agaran  
Vice Chair Rhoads  
Members of the Committee

FR: Nanci Kreidman, M.A.

RE: SB 223 SD1 Support

Aloha and good afternoon. We offer this testimony in support of SB 223 SD1, believing the proposed SD1 delivers a clear message and guides law enforcement to respond to domestic violence in a manner that increases the likelihood of safety for victims.

Requiring that a perpetrator leave the premises, and stay away after an assault has occurred provides less interruption for victims and children, establishes a period of time to make some decisions about next steps, and prohibits the abuser from committing additional acts of violence. These outcomes have the same effect as a temporary restraining order –which a victim may seek at the opening of court, following the incident for which police responded.

Thank you for your consideration of this Bill and permitting our testimony in support of this measure.

Testimony for SB223 on 3/29/2012 2:00:00 PM

**Testimony for SB223 on 3/29/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, March 27, 2012 2:30 PM

**To:** JUDtestimony

**Cc:** toddhairgrove@hotmail.com

---

Testimony for JUD 3/29/2012 2:00:00 PM SB223

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Todd Hairgrove

Organization: Individual

E-mail: toddhairgrove@hotmail.com

Submitted on: 3/27/2012

Comments:

Pass Bill



Testimony for SB223 on 3/29/2012 2:00:00 PM

**Testimony for SB223 on 3/29/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, March 27, 2012 9:10 PM

**To:** JUDtestimony

**Cc:** jbstestak@prodigy.net

---

Testimony for JUD 3/29/2012 2:00:00 PM SB223

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Betty Sestak

Organization: AAUW Windward Branch

E-mail: jbstestak@prodigy.net

Submitted on: 3/27/2012

Comments:

**Testimony for SB223 on 3/29/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Wednesday, March 28, 2012 11:50 AM

**To:** JUDtestimony

**Cc:** beverlyzigmond@juno.com

---

Testimony for JUD 3/29/2012 2:00:00 PM SB223

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: beverly zigmond

Organization: Individual

E-mail: beverlyzigmond@juno.com

Submitted on: 3/28/2012

**Comments:**

As a domestic violence advocate on the island of Lanai, I strongly support SB223 SD1. This measure will help ensure the safety of domestic violence survivors. It denies the person doing the harm access to the victim, and gives the victim essential time to seek refuge and get to safety.

These 'stay away orders' are an especially valuable tool when survivors cannot access the courts to file for temporary restraining orders (TROs). (For example, on evenings, weekends and holidays). These 'general orders' can provide victims immediate protection by law enforcement, who can order the person doing the harm to leave the premises for twenty-four hours (or longer over a weekend or holiday), and prohibit them from initiating any contact.

Help us to keep our community safe by passing this bill. Thank you.  
Beverly Zigmond, Lanai City

Testimony for SB223 on 3/29/2012 2:00:00 PM

**Testimony for SB223 on 3/29/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Thursday, March 29, 2012 2:21 AM

**To:** JUDtestimony

**Cc:** annfreed@hotmail.com

---

Testimony for JUD 3/29/2012 2:00:00 PM SB223

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Ann S Freed

Organization: Hawai'i Women's Coalition

E-mail: annfreed@hotmail.com

Submitted on: 3/29/2012

Comments:

Aloha Chair Keith-Agaran, and Vice Chair Rhoads

The Hawai'i Women's Coalition supports this measure as indicated in previous testimony.

Mahalo nui loa,

Ann S. Freed

Co-Chair, Hawai'i Women's Coalition

Mililani, HI 96789

623-5676